

Calendar No. 635

104TH CONGRESS  
2D Session

**S. 1359**

[Report No. 104-372]

**A BILL**

To amend title 38, United States Code, to revise certain authorities relating to management and contracting in the provision of health care services.

SEPTEMBER 26, 1996

Reported with an amendment and an amendment to the title



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IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 1995

Mr. SIMPSON introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 26, 1996

Reported by Mr. SIMPSON, with an amendment and an amendment to the title  
[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend title 38, United States Code, to revise certain authorities relating to management and contracting in the provision of health care services.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Veterans Health Care  
5       Management and Contracting Flexibility Act of 1995”.

1 **SEC. 2. WAITING PERIOD FOR ADMINISTRATIVE REORGA-**  
 2 **NIZATIONS.**

3 Section 510(b) of title 38, United States Code, is  
 4 amended—

5 (1) in the second sentence, by striking out “90-  
 6 day period of continuous session of Congress fol-  
 7 lowing” and inserting in lieu thereof “45-day period  
 8 beginning on”; and

9 (2) by striking out the third sentence.

10 **SEC. 3. REPEAL OF LIMITATIONS ON CONTRACTS FOR CON-**  
 11 **VERSION OF PERFORMANCE OF ACTIVITIES**  
 12 **OF DEPARTMENT HEALTH-CARE FACILITIES.**

13 Section 8110 of title 38, United States Code, is  
 14 amended by striking out subsection (c).

15 **SEC. 4. REVISION OF AUTHORITY TO SHARE MEDICAL FA-**  
 16 **CILITIES, EQUIPMENT, AND INFORMATION.**

17 (a) STATEMENT OF PURPOSE.—The text of section  
 18 8151 of title 38, United States Code, is amended to read  
 19 as follows:

20 “It is the purpose of this subchapter to improve the  
 21 quality of health care provided veterans under this title  
 22 by authorizing the Secretary to enter into agreements with  
 23 health-care providers in order to share health-care re-  
 24 sources with, and receive health-care resources from, such  
 25 providers while ensuring no diminution of services to vet-  
 26 erans. Among other things, it is intended by these means

1 to strengthen the medical programs at Department facili-  
 2 ties located in small cities or rural areas which facilities  
 3 are remote from major medical centers.”.

4 (b) DEFINITIONS.—Section 8152 of such title is  
 5 amended—

6 (1) by striking out paragraphs (1), (2) and (3)  
 7 and inserting in lieu thereof the following new para-  
 8 graphs (1) and (2):

9 “(1) The term ‘health-care resource’ includes  
 10 hospital care (as that term is defined in section  
 11 1701(5) of this title), any other health-care service,  
 12 and any health-care support or administrative re-  
 13 source.

14 “(2) The term ‘health-care providers’ includes  
 15 health-care plans and insurers and any organiza-  
 16 tions, institutions, or other entities or individuals  
 17 that furnish health-care resources.”; and

18 (2) by redesignating paragraph (4) as para-  
 19 graph (3).

20 (c) AUTHORITY TO SECURE HEALTH-CARE RE-  
 21 SOURCES.—(1) Section 8153 of such title is amended—

22 (A) by striking out paragraph (1) of subsection  
 23 (a) and inserting in lieu thereof the following new  
 24 paragraph (1):

1       “(1) The Secretary may, when the Secretary deter-  
 2 mines it to be necessary in order to secure health-care re-  
 3 sources which otherwise might not be feasibly available or  
 4 to utilize effectively health-care resources, make arrange-  
 5 ments, by contract or other form of agreement, for the  
 6 mutual use, or exchange of use, of health-care resources  
 7 between Department health-care facilities and non-De-  
 8 partment health-care providers. The Secretary may make  
 9 such arrangements without regard to any law or regula-  
 10 tion relating to competitive procedures.”; and

11               (B) by striking out subsection (c).

12       (2)(A) The section heading of such section is amend-  
 13 ed to read as follows:

14       **“§ 8153. Sharing of health-care resources”.**

15       (B) The table of sections at the beginning of chapter  
 16 81 of such title is amended by striking out the item relat-  
 17 ing to section 8153 and inserting in lieu thereof the fol-  
 18 lowing new item:

“8153. Sharing of health-care resources.”.

19       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

20       (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*  
 21 *erans’ Medical Programs Amendments of 1996”.*

22       (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 23 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. References to title 38, United States Code.*

## *TITLE I—VETERANS HEALTH ADMINISTRATION*

### *Subtitle A—Administration*

- Sec. 101. Revision of authority to share medical facilities, equipment, and information.*
- Sec. 102. Waiting period for administrative reorganizations.*
- Sec. 103. Repeal of limitations on contracts for conversion of performance of activities of department health-care facilities.*

### *Subtitle B—Personnel*

- Sec. 111. Revision of administrative authorities regarding residencies and internships.*
- Sec. 112. Renumerated outside professional activities by Veterans Health Administration personnel.*
- Sec. 113. Authority to waive special pay agreement refund requirements for physicians and dentists who enter into residency training programs.*

## *TITLE II—HEALTH CARE*

### *Subtitle A—Readjustment Counseling*

- Sec. 201. Organization of the Readjustment Counseling Service in the Department of Veterans Affairs.*
- Sec. 202. Expansion of eligibility for readjustment counseling and certain related counseling services.*
- Sec. 203. Advisory Committee on the Readjustment of Veterans.*
- Sec. 204. Report on collocation of Vet Centers and Department of Veterans Affairs outpatient clinics.*
- Sec. 205. Report on provision of limited health care services at readjustment counseling centers.*

### *Subtitle B—Other Provisions*

- Sec. 211. Payment to States of per diem for veterans receiving adult day health care.*
- Sec. 212. Expanded health care sharing agreement authority.*
- Sec. 213. Evaluation of health status of spouses and children of Persian Gulf War veterans.*
- Sec. 214. Transmittal of reports of Special Committee for the Seriously Mentally Ill Veteran.*

## *TITLE III—HEALTH CARE RESEARCH*

- Sec. 301. Mental illness research, education, and clinical centers.*
- Sec. 302. Research corporations.*

## *TITLE IV—HOSPICE CARE SERVICES*

- Sec. 401. Short title.*
- Sec. 402. Programs for furnishing hospice care to veterans.*

## *TITLE V—MAMMOGRAPHY STANDARDS*

- Sec. 501. Short title.*
- Sec. 502. Mammography quality standards.*

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to or repeal of a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of title 38, United States Code.*

7 **TITLE I—VETERANS HEALTH**  
 8 **ADMINISTRATION**

9 **Subtitle A—Administration**

10 **SEC. 101. REVISION OF AUTHORITY TO SHARE MEDICAL FA-**  
 11 **CILITIES, EQUIPMENT, AND INFORMATION.**

12 (a) *STATEMENT OF PURPOSE.*—*The text of section*  
 13 *8151 is amended to read as follows:*

14 *“It is the purpose of this subchapter to improve the*  
 15 *quality of health care provided veterans under this title by*  
 16 *authorizing the Secretary to enter into agreements with*  
 17 *health-care providers in order to share health-care resources*  
 18 *with, and receive health-care resources from, such providers*  
 19 *while ensuring no diminution of services to veterans.*  
 20 *Among other things, it is intended by these means to*  
 21 *strengthen the medical programs at Department facilities*  
 22 *located in small cities or rural areas which facilities are*  
 23 *remote from major medical centers.”.*

24 (b) *DEFINITIONS.*—*Section 8152 is amended—*



1           (1) *by striking out paragraphs (1), (2), and (3)*  
 2           *and inserting in lieu thereof the following new para-*  
 3           *graphs (1) and (2):*

4           “(1) *The term ‘health-care resource’ includes hos-*  
 5           *pital care (as that term is defined in section 1701(5)*  
 6           *of this title), any other health-care service, and any*  
 7           *health-care support or administrative resource.*

8           “(2) *The term ‘health-care providers’ includes*  
 9           *health-care plans and insurers and any organiza-*  
 10          *tions, institutions, or other entities or individuals*  
 11          *that furnish health-care resources.”; and*

12          (2) *by redesignating paragraph (4) as para-*  
 13          *graph (3).*

14          (c) *AUTHORITY TO SECURE HEALTH-CARE RE-*  
 15          *SOURCES.—(1) Section 8153 is amended—*

16               (A) *by striking out paragraph (1) of subsection*  
 17               *(a) and inserting in lieu thereof the following new*  
 18               *paragraph (1):*

19               “(1) *The Secretary, when the Secretary determines it*  
 20               *to be necessary in order to secure health-care resources*  
 21               *which might not otherwise be feasibly available or to utilize*  
 22               *effectively health-care resources, may make arrangements,*  
 23               *by contract or other form of agreement, for the mutual use,*  
 24               *or exchange of use, of health-care resources between Depart-*  
 25               *ment health-care facilities and non-Department health-care*

1 providers. The Secretary may make such arrangements  
 2 without regard to any law or regulation relating to com-  
 3 petitive procedures.”; and

4 (B) by striking out subsection (e).

5 (2)(A) The section heading of such section is amended  
 6 to read as follows:

7 **“§8153. Sharing of health-care resources”.**

8 (B) The table of sections at the beginning of chapter  
 9 81 is amended by striking out the item relating to section  
 10 8153 and inserting in lieu thereof the following new item:

“8153. Sharing of health-care resources.”.

11 **SEC. 102. WAITING PERIOD FOR ADMINISTRATIVE REORGA-**  
 12 **NIZATIONS.**

13 Section 510(b) is amended by striking out “90-day pe-  
 14 riod of continuous session of Congress following” in the sec-  
 15 ond sentence and inserting in lieu thereof “45-day period  
 16 (30 days of which shall be days during which Congress shall  
 17 have been in continuous session) beginning on”.

18 **SEC. 103. REPEAL OF LIMITATIONS ON CONTRACTS FOR**  
 19 **CONVERSION OF PERFORMANCE OF ACTIVI-**  
 20 **TIES OF DEPARTMENT HEALTH-CARE FACILI-**  
 21 **TIES.**

22 Section 8110 is amended by striking out subsection (c).

## ***Subtitle B—Personnel***

### ***SEC. 111. REVISION OF ADMINISTRATIVE AUTHORITIES REGARDING RESIDENCIES AND INTERNSHIPS.***

*(a) COVERED RESIDENTS AND INTERNS.—Section 7406(c) is amended by striking out “Department hospital” each place it appears (other than paragraphs (2)(B) and (4)(C)) and inserting in lieu thereof “Department facility furnishing hospital care or medical services”.*

*(b) CONFORMING AMENDMENTS.—Such section is further amended—*

*(1) in paragraph (2)(B), by striking out “Department hospital” and inserting in lieu thereof “Department facility”;*

*(2) in paragraph (4), by striking out “participating hospital, including a Department hospital” and inserting in lieu thereof “participating facility, including a Department facility”; and*

*(3) in paragraph (5), by striking out “hospital” both places it appears and inserting in lieu thereof “facility”.*

### ***SEC. 112. RENUMERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL.***

*(a) AUTHORITY.—Subsection (b) of section 7423 is amended—*

1           (1) *by striking out paragraph (1); and*  
 2           (2) *by redesignating paragraphs (2) through (6)*  
 3       *as paragraphs (1) through (5), respectively.*  
 4       (b) *CONFORMING AMENDMENT.—Subsection (c) of such*  
 5       *section is amended in the matter preceding paragraph (1)*  
 6       *by striking out “subsection (b)(6)” and inserting in lieu*  
 7       *thereof “subsection (b)(5)”.*

8       **SEC. 113. AUTHORITY TO WAIVE SPECIAL PAY AGREEMENT**  
 9                       **REFUND REQUIREMENTS FOR PHYSICIANS**  
 10                      **AND DENTISTS WHO ENTER INTO RESIDENCY**  
 11                      **TRAINING PROGRAMS.**

12       *Section 7432(b)(2) is amended—*

13           (1) *by inserting “(A)” after “(2)”;* and  
 14           (2) *by adding at the end the following:*  
 15       *“(B) The Secretary may suspend the applicability of*  
 16       *an agreement under this subchapter in the case of a physi-*  
 17       *cian or dentist who enters a residency training program*  
 18       *for the period of the participation of the physician or den-*  
 19       *tist, as the case may be, in the program. The physician*  
 20       *or dentist shall not be subject to the refund requirements*  
 21       *with respect to the agreement under paragraph (1) during*  
 22       *the period of the suspension.”.*

***TITLE II—HEALTH CARE***  
***Subtitle A—Readjustment***  
***Counseling***

***SEC. 201. ORGANIZATION OF THE READJUSTMENT COUN-***  
***SELING SERVICE IN THE DEPARTMENT OF***  
***VETERANS AFFAIRS.***

*(a) REVISION OF ORGANIZATIONAL STRUCTURE.—(1)*  
*The Secretary of Veterans Affairs may not alter or revise*  
*the organizational structure or the administrative structure*  
*of the organization (known as the Readjustment Counseling*  
*Service) within the Veterans Health Administration created*  
*to implement the programs established under section 1712A*  
*of title 38, United States Code, until—*

*(A) the Secretary has submitted to the Commit-*  
*tees on Veterans' Affairs of the Senate and the House*  
*of Representatives a report containing a full and*  
*complete statement of the proposed alteration or revi-*  
*sion; and*

*(B) a period of 60 days has elapsed after the*  
*date on which the report is received by the commit-*  
*tees.*

*(2) In the computation of the 60-day period under*  
*paragraph (1)(B), there shall be excluded any day on which*  
*either House of Congress is not in session because of an*  
*adjournment of more than 3 calendar days to a day certain.*

1       (b) *BUDGET INFORMATION RELATING TO THE SERV-*  
 2 *ICE.—Each budget submitted to Congress by the President*  
 3 *under section 1105 of title 31, United States Code, shall*  
 4 *set forth the amount requested in the budget for the oper-*  
 5 *ation of the organization referred to in subsection (a)(1)*  
 6 *in the fiscal year covered by the budget and shall set forth*  
 7 *separately the amount requested for administrative over-*  
 8 *sight of the activities of the organization.*

9   **SEC. 202. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**  
 10                           **COUNSELING AND CERTAIN RELATED COUN-**  
 11                           **SELING SERVICES.**

12       (a) *READJUSTMENT COUNSELING.—(1) Subsection (a)*  
 13 *of section 1712A is amended to read as follows:*

14       “(a)(1)(A) *Upon the request of any veteran referred*  
 15 *to in subparagraph (B) of this paragraph, the Secretary*  
 16 *shall furnish counseling to the veteran to assist the veteran*  
 17 *in readjusting to civilian life.*

18       “(B) *Subparagraph (A) applies to the following vet-*  
 19 *erans:*

20               “(i) *Any veteran who served on active duty in*  
 21 *a theater of combat operations (as determined by the*  
 22 *Secretary in consultation with the Secretary of De-*  
 23 *fense) during the Vietnam era.*

1           “(ii) Any veteran who served on active duty dur-  
2           ing the Vietnam era if the veteran seeks such coun-  
3           seling before January 1, 2000.

4           “(iii) Any veteran referred to in clause (ii) of  
5           this subparagraph if the veteran is furnished coun-  
6           seling under this subsection before the date referred to  
7           in that clause.

8           “(iv) Any veteran who served on active military,  
9           naval, or air service in a theater of combat operations  
10          (as so determined) during a period of war, or in any  
11          other area during a period in which hostilities (as de-  
12          fined in subparagraph (D) of this paragraph) oc-  
13          curred in such area.

14          “(C) Upon the request of any veteran other than a vet-  
15          eran covered by subparagraph (A) of this paragraph, the  
16          Secretary may furnish counseling to the veteran to assist  
17          the veteran in readjusting to civilian life.

18          “(D) For the purposes of subparagraph (B) of this  
19          paragraph, the term ‘hostilities’ means an armed conflict  
20          in which the members of the Armed Forces are subjected  
21          to danger comparable to the danger to which members of  
22          the Armed Forces have been subjected in combat with enemy  
23          armed forces during a period of war, as determined by the  
24          Secretary in consultation with the Secretary of Defense.

1       “(2) *The counseling referred to in paragraph (1) of*  
 2 *this subsection shall include a general mental and psycho-*  
 3 *logical assessment of a covered veteran to ascertain whether*  
 4 *such veteran has mental or psychological problems associ-*  
 5 *ated with readjustment to civilian life.”.*

6       (2) *Subsection (c) of such section is repealed.*

7       (b) *OTHER COUNSELING.—Such section is further*  
 8 *amended by inserting after subsection (b) the following new*  
 9 *subsection (c):*

10       “(c)(1) *The Secretary shall provide the counseling serv-*  
 11 *ices described in section 1701(6)(B)(ii) of this title to the*  
 12 *surviving parents, spouse, and children of any member of*  
 13 *the Armed Forces who dies—*

14               “(A) *in a theater of combat operations (as deter-*  
 15 *mined by the Secretary in consultation with the Sec-*  
 16 *retary of Defense) while on active military, naval, or*  
 17 *air service during a period of war;*

18               “(B) *in an area in which hostilities (as defined*  
 19 *in subsection (a)(1)(D) of this section) are occurring*  
 20 *while on such service during such hostilities;*

21               “(C) *as a result of a disease, injury, or condition*  
 22 *incurred while on such service in a theater of combat*  
 23 *operations (as so determined)*

24       “(2) *The Secretary may provide the counseling services*  
 25 *referred to in paragraph (1) of this subsection to the sur-*



1 *living parents, spouse, and children of any member of the*  
 2 *Armed Forces who dies while serving on active duty or from*  
 3 *a condition (as determined by the Secretary) incurred in*  
 4 *or aggravated by such service.”.*

5 *(c) AUTHORITY TO CONTRACT FOR COUNSELING SERV-*  
 6 *ICES.—Subsection (e) of such section is amended by striking*  
 7 *out “subsections (a) and (b)” each place it appears and in-*  
 8 *serting in lieu thereof “subsections (a), (b), and (c)”.*

9 **SEC. 203. ADVISORY COMMITTEE ON THE READJUSTMENT**  
 10 **OF VETERANS.**

11 *(a) IN GENERAL.—(1) Subchapter III of chapter 5 is*  
 12 *amended by inserting after section 544 the following:*

13 **“§545. Advisory Committee on the Readjustment of**  
 14 **Veterans**

15 *“(a)(1) There is in the Department the Advisory Com-*  
 16 *mittee on the Readjustment of Veterans (hereinafter in this*  
 17 *section referred to as the ‘Committee’).*

18 *“(2) The Committee shall consist of not more than 18*  
 19 *members appointed by the Secretary from among individ-*  
 20 *uals who—*

21 *“(A) have demonstrated significant civic or pro-*  
 22 *fessional achievement; and*

23 *“(B) have experience with the provision of vet-*  
 24 *erans benefits and services by the Department.*

1       “(3) *The Secretary shall seek to ensure that members*  
2 *appointed to the Committee include individuals from a*  
3 *wide variety of geographic areas and ethnic backgrounds,*  
4 *individuals from veterans service organizations, individuals*  
5 *with combat experience, and women.*

6       “(4) *The Secretary shall determine the terms of service*  
7 *and pay and allowances of the members of the Committee,*  
8 *except that a term of service may not exceed 2 years. The*  
9 *Secretary may reappoint any member for additional terms*  
10 *of service.*

11       “(b)(1) *The Secretary shall, on a regular basis, consult*  
12 *with and seek the advice of the Committee with respect to*  
13 *the provision by the Department of benefits and services to*  
14 *veterans in order to assist veterans in the readjustment to*  
15 *civilian life.*

16       “(2)(A) *In providing advice to the Secretary under*  
17 *this subsection, the Committee shall—*

18               “(i) *assemble and review information relating to*  
19 *the needs of veterans in readjusting to civilian life;*

20               “(ii) *provide information relating to the nature*  
21 *and character of psychological problems arising from*  
22 *service in the Armed Forces;*

23               “(iii) *provide an on-going assessment of the ef-*  
24 *fectiveness of the policies, organizational structures,*

1       *and services of the Department in assisting veterans*  
2       *in readjusting to civilian life; and*

3               “(iv) *provide on-going advice on the most appro-*  
4       *prate means of responding to the readjustment needs*  
5       *of veterans in the future.*

6       “(B) *In carrying out its duties under subparagraph*  
7       *(A), the Committee shall take into special account the needs*  
8       *of veterans who have served in a theater of combat oper-*  
9       *ations.*

10       “(c)(1) *Not later than March 31 of each year, the Com-*  
11       *mittee shall submit to the Secretary a report on the pro-*  
12       *grams and activities of the Department that relate to the*  
13       *readjustment of veterans to civilian life. Each such report*  
14       *shall include—*

15               “(A) *an assessment of the needs of veterans with*  
16       *respect to readjustment to civilian life;*

17               “(B) *a review of the programs and activities of*  
18       *the Department designed to meet such needs; and*

19               “(C) *such recommendations (including rec-*  
20       *ommendations for administrative and legislative ac-*  
21       *tion) as the Committee considers appropriate.*

22       “(2) *Not later than 90 days after the receipt of a report*  
23       *under paragraph (1), the Secretary shall transmit to the*  
24       *Committees on Veterans’ Affairs of the Senate and House*  
25       *of Representatives a copy of the report, together with any*

1 *comments and recommendations concerning the report that*  
 2 *the Secretary considers appropriate.*

3       “(3) *The Committee may also submit to the Secretary*  
 4 *such other reports and recommendations as the Committee*  
 5 *considers appropriate.*

6       “(4) *The Secretary shall submit with each annual re-*  
 7 *port submitted to the Congress pursuant to section 529 of*  
 8 *this title a summary of all reports and recommendations*  
 9 *of the Committee submitted to the Secretary since the pre-*  
 10 *vious annual report of the Secretary submitted pursuant*  
 11 *to that section.*

12       “(d)(1) *Except as provided in paragraph (2), the pro-*  
 13 *visions of the Federal Advisory Committee Act (5 U.S.C.*  
 14 *App.) shall apply to the activities of the Committee under*  
 15 *this section.*

16       “(2) *Section 14 of such Act shall not apply to the Com-*  
 17 *mittee.”.*

18       “(2) *The table of sections at the beginning of chapter*  
 19 *5 is amended by inserting after the item relating to section*  
 20 *544 the following:*

*“545. Advisory Committee on the Readjustment of Veterans.”.*

21       (b) *ORIGINAL MEMBERS.—(1) Notwithstanding sub-*  
 22 *section (a)(2) of section 545 of title 38, United States Code*  
 23 *(as added by subsection (a)), the members of the Advisory*  
 24 *Committee on the Readjustment of Vietnam and Other War*  
 25 *Veterans on the date of the enactment of this Act shall be*

1 *the original members of the advisory committee recognized*  
 2 *under such section.*

3       (2) *The original members shall so serve until the Sec-*  
 4 *retary of Veterans Affairs carries out appointments under*  
 5 *such subsection (a)(2). The Secretary shall carry out such*  
 6 *appointments as soon after such date as is practicable. The*  
 7 *Secretary may make such appointments from among such*  
 8 *original members.*

9 **SEC. 204. REPORT ON COLLOCATION OF VET CENTERS AND**  
 10 **DEPARTMENT OF VETERANS AFFAIRS OUT-**  
 11 **PATIENT CLINICS.**

12       (a) *REQUIREMENT.*—(1) *The Secretary of Veterans Af-*  
 13 *fairs shall submit to the Committees on Veterans' Affairs*  
 14 *of the Senate and the House of Representatives a report on*  
 15 *the feasibility and desirability of the collocation of Vet Cen-*  
 16 *ters and outpatient clinics (including rural mobile clinics)*  
 17 *of the Department of Veterans Affairs as current leases for*  
 18 *such centers and clinics expire.*

19       (2) *The Secretary shall submit the report not later*  
 20 *than 6 months after the date of the enactment of this Act.*

21       (b) *COVERED MATTERS.*—*The report under this sec-*  
 22 *tion shall include an assessment of the following:*

23               (1) *The results of any collocation of Vet Centers*  
 24 *and outpatient clinics carried out by the Secretary*  
 25 *before the date of the enactment of this Act, including*

1       *the effects of such collocation on the quality of care*  
2       *provided at such centers and clinics.*

3               *(2) The effect of such collocation on the capacity*  
4       *of such centers and clinics to carry out their primary*  
5       *mission.*

6               *(3) The extent to which such collocation will im-*  
7       *pair the operational independence or administrative*  
8       *integrity of such centers and clinics.*

9               *(4) The feasibility of combining the services pro-*  
10       *vided by such centers and clinics in the course of such*  
11       *collocation.*

12               *(5) The advisability of the collocation of centers*  
13       *and clinics of significantly different size.*

14               *(6) The effect of the locations (including urban*  
15       *and rural locations) of the centers and clinics on the*  
16       *feasibility and desirability of such collocation.*

17               *(7) The amount of any costs savings to be*  
18       *achieved by Department as a result of such colloca-*  
19       *tion.*

20               *(8) Any other matters that the Secretary deter-*  
21       *mines appropriate.*

1 **SEC. 205. REPORT ON PROVISION OF LIMITED HEALTH**  
2 **CARE SERVICES AT READJUSTMENT COUN-**  
3 **SELING CENTERS.**

4 (a) *REPORT.*—Not later than 6 months after the date  
5 of the enactment of this Act, the Secretary of Veterans Af-  
6 fairs shall submit to the Committees on Veterans' Affairs  
7 of the Senate and the House of Representatives a report on  
8 the feasibility and desirability of providing a limited bat-  
9 tery of health care services (including ambulatory services  
10 and health care screening services) to veterans at Depart-  
11 ment of Veterans Affairs readjustment counseling centers.

12 (b) *REPORT ELEMENTS.*—The report under subsection  
13 (a) shall include a discussion of the following:

14 (1) *The effect on the advisability of providing*  
15 *health care services at readjustment counseling centers*  
16 *of the geographic location of such centers, including*  
17 *the urban location and rural location of such centers*  
18 *and the proximity of such centers to Department of*  
19 *Veterans Affairs medical facilities.*

20 (2) *The effect on the advisability of providing*  
21 *such services at such centers of the type and level of*  
22 *services to be provided, and the demographic charac-*  
23 *teristics (including age, socio-economic status, eth-*  
24 *nicity, and sex) of veterans likely to be provided the*  
25 *services.*

1           (3) *The effect of providing such services at such*  
 2           *centers on the readjustment counseling center pro-*  
 3           *gram in general and on the efficiency and autonomy*  
 4           *of the clinical and administrative operations of the*  
 5           *readjustment counseling centers in particular.*

6           (4) *Any other matters that the Secretary con-*  
 7           *siders appropriate.*

## 8           ***Subtitle B—Other Provisions***

### 9   ***SEC. 211. PAYMENT TO STATES OF PER DIEM FOR VET-*** 10           ***ERANS RECEIVING ADULT DAY HEALTH CARE.***

11           (a) *PAYMENT OF PER DIEM FOR VETERANS RECEIV-*  
 12           *ING ADULT DAY CARE.—Section 1741 is amended—*

13                   (1) *by inserting “(1)” after “(a)”;*

14                   (2) *by redesignating paragraphs (1) and (2) as*  
 15           *subparagraphs (A) and (B), respectively; and*

16                   (3) *by adding at the end the following new para-*  
 17           *graph (2):*

18                   “(2) *The Secretary may pay each State per diem at*  
 19           *a rate determined by the Secretary for each veteran receiv-*  
 20           *ing adult day health care in a State home, if such veteran*  
 21           *is eligible for such care under laws administered by the Sec-*  
 22           *retary.”.*

23           (b) *ASSISTANCE TO STATES FOR CONSTRUCTION OF*  
 24           *ADULT DAY CARE FACILITIES.—(1) Section 8131(3) is*



1 *amended by inserting “adult day health,” before “or hos-*  
 2 *pital care”.*

3 (2) *Section 8132 is amended by inserting “adult day*  
 4 *health,” before “or hospital care”.*

5 (3) *Section 8135(b) is amended—*

6 (A) *in paragraph (2)(C), by inserting “or adult*  
 7 *day health care facilities” after “domiciliary beds”;*  
 8 *and*

9 (B) *in paragraph (3)(A), by inserting “or con-*  
 10 *struction (other than new construction) of adult day*  
 11 *health care buildings” before the semicolon.*

12 **SEC. 212. EXPANDED HEALTH CARE SHARING AGREEMENT**

13 **AUTHORITY.**

14 *Section 204 of the Veterans Health Care Act of 1992*  
 15 *(Public Law 102–585; 106 Stat. 4950; 38 U.S.C. 8111 note)*  
 16 *is amended by striking out “October 1, 1996” and inserting*  
 17 *in lieu thereof “December 31, 1998”.*

18 **SEC. 213. EVALUATION OF HEALTH STATUS OF SPOUSES**

19 **AND CHILDREN OF PERSIAN GULF WAR VET-**  
 20 **ERANS.**

21 *Section 107(b) of the Persian Gulf War Veterans’ Ben-*  
 22 *efits Act (title I of Public Law 103–446; 108 Stat. 4652;*  
 23 *38 U.S.C. 1117 note) is amended by striking out “Sep-*  
 24 *tember 30, 1996” and inserting in lieu thereof “December*  
 25 *31, 1998”.*

1 **SEC. 214. TRANSMITTAL OF REPORTS OF SPECIAL COM-**  
 2 **MITTEE FOR THE SERIOUSLY MENTALLY ILL**  
 3 **VETERAN.**

4 (a) *TRANSMITTAL.*—Not later than 60 days after the  
 5 submittal to the Under Secretary for Health of the Depart-  
 6 ment of Veterans Affairs of a report referred to in subsection  
 7 (b), the Secretary of Veterans Affairs shall transmit to the  
 8 Committees on Veterans' Affairs of the Senate and the  
 9 House of Representatives a copy of the report, together with  
 10 the comments of the Under Secretary for Health on the re-  
 11 port.

12 (b) *COVERED REPORTS.*—Subsection (a) applies to  
 13 any report submitted to the Under Secretary for Health by  
 14 the Special Committee for the Seriously Mentally Ill Vet-  
 15 eran as in existence on July 1, 1996.

16 **TITLE III—HEALTH CARE**  
 17 **RESEARCH**

18 **SEC. 301. MENTAL ILLNESS RESEARCH, EDUCATION, AND**  
 19 **CLINICAL CENTERS.**

20 (a) *IN GENERAL.*—Subchapter II of chapter 73 is  
 21 amended by adding at the end the following:

22 **“§ 7319. Mental illness research, education, and clin-**  
 23 **ical centers**

24 “(a) The purpose of this section is to improve the pro-  
 25 vision of health-care services and related counseling services  
 26 to eligible veterans suffering from mental illness, especially

1 *mental illness related to service-related conditions, through*  
 2 *research (including research on improving mental health*  
 3 *service facilities of the Department and on improving the*  
 4 *delivery of mental health services by the Department), edu-*  
 5 *cation and training of personnel, and the development of*  
 6 *improved models and systems for the furnishing of mental*  
 7 *health services by the Department.*

8       “(b)(1) *In order to carry out the purpose of this sec-*  
 9 *tion, the Secretary, upon the recommendation of the Under*  
 10 *Secretary for Health and pursuant to the provisions of this*  
 11 *subsection, shall—*

12               “(A) *designate not more than five health-care fa-*  
 13 *cilities of the Department as the locations for a center*  
 14 *of research on mental health services, on the use by*  
 15 *the Department of specific models for furnishing such*  
 16 *services, on education and training, and on the devel-*  
 17 *opment and implementation of innovative clinical ac-*  
 18 *tivities and systems of care with respect to the deliv-*  
 19 *ery of such services by the Department; and*

20               “(B) *subject to the appropriation of funds for*  
 21 *such purpose, establish and operate such centers at*  
 22 *such locations in accordance with this section.*

23       “(2) *The Secretary shall designate at least one facility*  
 24 *under paragraph (1) not later than January 1, 1997.*

1       “(3) *The Secretary shall, upon the recommendation of*  
 2 *the Under Secretary for Health, ensure that the facilities*  
 3 *designated for centers under paragraph (1) are located in*  
 4 *various geographic regions.*

5       “(4) *The Secretary may not designate any health-care*  
 6 *facility as a location for a center under paragraph (1) un-*  
 7 *less—*

8               “(A) *the peer review panel established under*  
 9 *paragraph (5) has determined under that paragraph*  
 10 *that the proposal submitted by such facility as a loca-*  
 11 *tion for a new center under this subsection is among*  
 12 *those proposals which have met the highest competi-*  
 13 *tive standards of scientific and clinical merit; and*

14              “(B) *the Secretary, upon the recommendation of*  
 15 *the Under Secretary for Health, determines that the*  
 16 *facility has developed (or may reasonably be antici-*  
 17 *pated to develop)—*

18                   “(i) *an arrangement with an accredited*  
 19 *medical school which provides education and*  
 20 *training in psychiatry and with which the facil-*  
 21 *ity is affiliated under which arrangement resi-*  
 22 *dents receive education and training in psychi-*  
 23 *atry through regular rotation through the facil-*  
 24 *ity so as to provide such residents with training*  
 25 *in the diagnosis and treatment of mental illness;*

1           “(ii) an arrangement with an accredited  
 2           graduate program of psychology under which ar-  
 3           rangement students receive education and train-  
 4           ing in clinical, counseling, or professional psy-  
 5           chology through regular rotation through the fa-  
 6           cility so as to provide such students with train-  
 7           ing in the diagnosis and treatment of mental ill-  
 8           ness;

9           “(iii) an arrangement under which nursing,  
 10          social work, counseling, or allied health per-  
 11          sonnel receive training and education in mental  
 12          health care through regular rotation through the  
 13          facility;

14          “(iv) the ability to attract scientists who  
 15          have demonstrated creativity and achievement in  
 16          research—

17               “(I) into the evaluation of innovative  
 18               approaches to the design of mental health  
 19               services; or

20               “(II) into the causes, prevention, and  
 21               treatment of mental illness;

22          “(v) a policymaking advisory committee  
 23          composed of appropriate mental health-care and  
 24          research personnel of the facility and of the af-  
 25          filiated school or schools to advise the directors

1           *of the facility and the center on policy matters*  
2           *pertaining to the activities of the center during*  
3           *the period of the operation of the center; and*

4           “(vi) *the capability to evaluate effectively*  
5           *the activities of the center, including the evalua-*  
6           *tion of specific efforts to improve the quality and*  
7           *effectiveness of mental health services provided by*  
8           *the Department at or through individual facili-*  
9           *ties.*

10          “(5)(A) *In order to provide advice to assist the Under*  
11       *Secretary for Health and the Secretary to carry out their*  
12       *responsibilities under this section, the official within the*  
13       *Central Office of the Veterans Health Administration re-*  
14       *sponsible for mental health and behavioral sciences matters*  
15       *shall establish a panel to assess the scientific and clinical*  
16       *merit of proposals that are submitted to the Secretary for*  
17       *the establishment of new centers under this subsection.*

18          “(B) *The membership of the panel shall consist of ex-*  
19       *perts in the fields of mental health research, education and*  
20       *training, and clinical care. Members of the panel shall serve*  
21       *as consultants to the Department for a period of no longer*  
22       *than six months.*

23          “(C) *The panel shall review each proposal submitted*  
24       *to the panel by the official referred to in subparagraph (A)*

1 *and shall submit its views on the relative scientific and*  
2 *clinical merit of each such proposal to that official.*

3       “(D) *The panel shall not be subject to the provisions*  
4 *of the Federal Advisory Committee Act (5 U.S.C. App.).*

5       “(c) *Clinical and scientific investigation activities at*  
6 *each center established under subsection (b)(1) may compete*  
7 *for the award of funding from amounts appropriated for*  
8 *the Department of Veterans Affairs medical and prosthetics*  
9 *research account and shall receive priority in the award*  
10 *of funding from such account insofar as funds are awarded*  
11 *to projects and activities relating to mental illness.*

12       “(d) *The Under Secretary for Health shall ensure that*  
13 *at least three centers designated under subsection (b)(1)(A)*  
14 *emphasize research into means of improving the quality of*  
15 *care for veterans suffering from mental illness through the*  
16 *development of community-based alternatives to institu-*  
17 *tional treatment for such illness.*

18       “(e) *The Under Secretary for Health shall ensure that*  
19 *useful information produced by the research, education and*  
20 *training, and clinical activities of the centers established*  
21 *under subsection (b)(1) is disseminated throughout the Vet-*  
22 *erans Health Administration through publications and*  
23 *through programs of continuing medical and related edu-*  
24 *cation provided through regional medical education centers*

1 *under subchapter VI of chapter 74 of this title and through*  
 2 *other means.*

3       “(f) *The official within the Central Office of the Vet-*  
 4 *erans Health Administration responsible for mental health*  
 5 *and behavioral sciences matters shall be responsible for su-*  
 6 *pervising the operation of the centers established pursuant*  
 7 *to subsection (b)(1).*

8       “(g)(1) *There are authorized to be appropriated for the*  
 9 *Department of Veterans Affairs for the basic support of the*  
 10 *research and education and training activities of the centers*  
 11 *established pursuant to subsection (b)(1) the following:*

12               “(A) *\$3,125,000 for fiscal year 1997.*

13               “(B) *\$6,250,000 for each of fiscal years 1998*  
 14 *through 2000.*

15       “(2) *In addition to the funds available under the au-*  
 16 *thorization of appropriations in paragraph (1), the Under*  
 17 *Secretary for Health shall allocate to such centers from*  
 18 *other funds appropriated generally for the Department of*  
 19 *Veterans Affairs medical care account and the Department*  
 20 *of Veterans Affairs medical and prosthetics research account*  
 21 *such amounts as the Under Secretary for Health determines*  
 22 *appropriate in order to carry out the purposes of this sec-*  
 23 *tion.”.*



1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of chapter 73 is amended by adding at the*  
 3 *end of the matter relating to subchapter II the following:*

*“7319. Mental illness research, education, and clinical centers.”.*

4       (c) *REPORTS.*—*Not later than February 1 of each of*  
 5 *1997, 1998, and 1999, the Secretary of Veterans Affairs*  
 6 *shall submit to the Committees on Veterans’ Affairs of the*  
 7 *Senate and the House of Representatives a report on the*  
 8 *status and activities during the previous fiscal year of the*  
 9 *mental illness, research, education, and clinical centers es-*  
 10 *tablished pursuant to section 7319 of title 38, United States*  
 11 *Code (as added by subsection (a)). Each such report shall*  
 12 *contain the following:*

13               (1) *A description of—*

14                       (A) *the activities carried out at each center*  
 15                       *and the funding provided for such activities;*

16                       (B) *the advances made at each center in re-*  
 17                       *search, education and training, and clinical ac-*  
 18                       *tivities relating to mental illness in veterans;*  
 19                       *and*

20                       (C) *the actions taken by the Under Sec-*  
 21                       *retary for Health pursuant to subsection (d) of*  
 22                       *such section (as so added) to disseminate useful*  
 23                       *information derived from such activities through-*  
 24                       *out the Veterans Health Administration.*

1           (2) *The Secretary’s evaluations of the effective-*  
 2           *ness of the centers in fulfilling the purposes of the cen-*  
 3           *ters.*

4   **SEC 302. RESEARCH CORPORATIONS.**

5           (a) *RENEWAL OF AUTHORITY.*—Section 7368 is  
 6           amended by striking out “December 31, 1992” and insert-  
 7           ing in lieu thereof “December 31, 2000”.

8           (b) *CLARIFICATION OF TAX-EXEMPT STATUS.*—(1)  
 9           Section 7361(b) is amended by striking out “section  
 10          501(c)(3) of”.

11          (2) Section 7363(c) is amended by striking out “sec-  
 12          tion 501(c)(3) of”.

13          (c) *REVISED REPORTING REQUIREMENT.*—Subsection  
 14          (d) of section 7366 is amended to read as follows:

15          “(d) *The Secretary shall submit to the Committees on*  
 16          *Veterans’ Affairs of the Senate and the House of Representa-*  
 17          *tives an annual report on the corporations established*  
 18          *under this subchapter. The report shall set forth the fol-*  
 19          *lowing information:*

20                  “(1) *The location of each corporation.*

21                  “(2) *The amount received by each corporation*  
 22          *during the previous year, including—*

23                          “(A) *the total amount received;*

24                          “(B) *the amount received from govern-*  
 25          *mental entities;*

1           “(C) the amount received from entities the  
 2           income of which is exempt from taxation under  
 3           section 501(c)(3) of the Internal Revenue Code of  
 4           1986 (26 U.S.C. 501(c)(3));

5           “(D) the amount received from all other  
 6           sources; and

7           “(E) if the amount received from a source  
 8           referred to in subparagraph (D) exceeded  
 9           \$25,000, information that identifies the source.

10          “(3) The amount expended by each corporation  
 11          during the year, including—

12               “(A) the amount expended for salary for re-  
 13               search staff and for salary for support staff;

14               “(B) the amount expended for other direct  
 15               support of research; and

16               “(C) if the amount expended with respect to  
 17               any source exceeded \$10,000, information that  
 18               identifies the source.”.

## 19           ***TITLE IV—HOSPICE CARE*** 20           ***SERVICES***

### 21   ***SEC. 401. SHORT TITLE.***

22           *This title may be cited as the “Veterans’ Hospice Care*  
 23   *Services Act of 1996”.*

1 **SEC. 402. PROGRAMS FOR FURNISHING HOSPICE CARE TO**  
 2 **VETERANS.**

3 (a) *ESTABLISHMENT OF PROGRAMS.*—Chapter 17 of  
 4 title 38, United States Code, is amended by adding at the  
 5 end the following:

6 “SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM;  
 7 *HOSPICE CARE SERVICES*

8 **“§ 1761. Definitions**

9 “For the purposes of this subchapter—

10 “(1) The term ‘terminally ill veteran’ means any  
 11 veteran—

12 “(A) who is (i) entitled to receive hospital  
 13 care in a medical facility of the Department  
 14 under section 1710(a)(1) of this title, (ii) eligible  
 15 for hospital or nursing home care in such a fa-  
 16 cility and receiving such care, (iii) receiving  
 17 care in a State home facility for which care the  
 18 Secretary is paying per diem under section 1741  
 19 of this title, or (iv) transferred to a non-Depart-  
 20 ment nursing home for nursing home care under  
 21 section 1720 of this title and receiving such care;  
 22 and

23 “(B) who has a medical prognosis (as cer-  
 24 tified by a Department physician) of a life ex-  
 25 pectancy of six months or less.

26 “(2) The term ‘hospice care services’ means—

1           “(A) the care, items, and services referred to  
2           in subparagraphs (A) through (H) of section  
3           1861(dd)(1) of the Social Security Act (42  
4           U.S.C. 1395x(dd)(1)); and

5           “(B) personal care services.

6           “(3) The term ‘hospice program’ means any pro-  
7           gram that satisfies the requirements of section  
8           1861(dd)(2) of the Social Security Act (42 U.S.C.  
9           1395x(dd)(2)).

10          “(4) The term ‘medical facility of the Depart-  
11          ment’ means a facility referred to in section  
12          1701(3)(A) of this title.

13          “(5) The term ‘non-Department facility’ means a  
14          facility (other than a medical facility of the Depart-  
15          ment) at which care to terminally ill veterans is fur-  
16          nished, regardless of whether such care is furnished  
17          pursuant to a contract, agreement, or other arrange-  
18          ment referred to in section 1762(b)(1)(D) of this title.

19          “(6) The term ‘personal care services’ means any  
20          care or service furnished to a person that is necessary  
21          to maintain a person’s health and safety within the  
22          home or nursing home of the person, including care  
23          or services related to dressing and personal hygiene,  
24          feeding and nutrition, and environmental support.

1 **“§ 1762. Hospice care: pilot program requirements**

2 “(a)(1) *During the period beginning on October 1,*  
 3 *1996, and ending on December 31, 2001, the Secretary shall*  
 4 *conduct a pilot program in order—*

5 “(A) *to assess the desirability of furnishing hos-*  
 6 *pice care services to terminally ill veterans; and*

7 “(B) *to determine the most effective and efficient*  
 8 *means of furnishing such services to such veterans.*

9 “(2) *The Secretary shall conduct the pilot program in*  
 10 *accordance with this section.*

11 “(b)(1) *Under the pilot program, the Secretary shall—*

12 “(A) *designate not less than 15 nor more than*  
 13 *30 medical facilities of the Department at or through*  
 14 *which to conduct hospice care services demonstration*  
 15 *projects;*

16 “(B) *designate the means by which hospice care*  
 17 *services shall be provided to terminally ill veterans*  
 18 *under each demonstration project pursuant to sub-*  
 19 *section (c);*

20 “(C) *allocate such personnel and other resources*  
 21 *of the Department as the Secretary considers nec-*  
 22 *essary to ensure that services are provided to termi-*  
 23 *nally ill veterans by the designated means under each*  
 24 *demonstration project; and*

25 “(D) *enter into any contract, agreement, or other*  
 26 *arrangement that the Secretary considers necessary to*

1       *ensure the provision of such services by the designated*  
2       *means under each such project.*

3       “(2) *In carrying out the responsibilities referred to in*  
4       *paragraph (1) the Secretary shall take into account the need*  
5       *to provide for and conduct the demonstration projects so*  
6       *as to provide the Secretary with such information as is nec-*  
7       *essary for the Secretary to evaluate and assess the fur-*  
8       *nishing of hospice care services to terminally ill veterans*  
9       *by a variety of means and in a variety of circumstances.*

10       “(3) *In carrying out the requirement described in*  
11       *paragraph (2), the Secretary shall, to the maximum extent*  
12       *feasible, ensure that—*

13               “(A) *the medical facilities of the Department se-*  
14       *lected to conduct demonstration projects under the*  
15       *pilot program include facilities located in urban*  
16       *areas of the United States and rural areas of the*  
17       *United States;*

18               “(B) *the full range of affiliations between med-*  
19       *ical facilities of the Department and medical schools*  
20       *is represented by the facilities selected to conduct*  
21       *demonstration projects under the pilot program, in-*  
22       *cluding no affiliation, minimal affiliation, and exten-*  
23       *sive affiliation;*

24               “(C) *such facilities vary in the number of beds*  
25       *that they operate and maintain; and*

1           “(D) the demonstration projects are located or  
2           conducted in accordance with any other criteria or  
3           standards that the Secretary considers relevant or  
4           necessary to furnish and to evaluate and assess fully  
5           the furnishing of hospice care services to terminally  
6           ill veterans.

7           “(c)(1) Subject to paragraph (2), hospice care to termi-  
8           nally ill veterans shall be furnished under a demonstration  
9           project by one or more of the following means designated  
10          by the Secretary:

11           “(A) By the personnel of a medical facility of the  
12           Department providing hospice care services pursuant  
13           to a hospice program established by the Secretary at  
14           that facility.

15           “(B) By a hospice program providing hospice  
16           care services under a contract with that program and  
17           pursuant to which contract any necessary inpatient  
18           services are provided at a medical facility of the De-  
19           partment.

20           “(C) By a hospice program providing hospice  
21           care services under a contract with that program and  
22           pursuant to which contract any necessary inpatient  
23           services are provided at a non-Department medical  
24           facility.

25           “(2)(A) The Secretary shall provide that—



1           “(i) care is furnished by the means described in  
2           paragraph (1)(A) at not less than five medical facili-  
3           ties of the Department; and

4           “(ii) care is furnished by the means described in  
5           subparagraphs (B) and (C) of paragraph (1) in con-  
6           nection with not less than five such facilities for each  
7           such means.

8           “(B) The Secretary shall provide in any contract  
9           under subparagraph (B) or (C) of paragraph (1) that inpa-  
10          tient care may be provided to terminally ill veterans at a  
11          medical facility other than that designated in the contract  
12          if the provision of such care at such other facility is nec-  
13          essary under the circumstances.

14          “(d)(1) Except as provided in paragraph (2), the  
15          amount paid to a hospice program for care furnished pur-  
16          suant to subparagraph (B) or (C) of subsection (c)(1) may  
17          not exceed the amount that would be paid to that program  
18          for such care under section 1814(i) of the Social Security  
19          Act (42 U.S.C. 1395f(i)) if such care were hospice care for  
20          which payment would be made under part A of title XVIII  
21          of such Act.

22          “(2) The Secretary may pay an amount in excess of  
23          the amount referred to in paragraph (1) (or furnish services  
24          whose value, together with any payment by the Secretary,  
25          exceeds such amount) to a hospice program for furnishing

1 *care to a terminally ill veteran pursuant to subparagraph*  
 2 *(B) or (C) of subsection (c)(1) if the Secretary determines,*  
 3 *on a case-by-case basis, that—*

4           “(A) *the furnishing of such care to the veteran*  
 5           *is necessary and appropriate; and*

6           “(B) *the amount that would be paid to that pro-*  
 7           *gram under section 1814(i) of the Social Security Act*  
 8           *would not compensate the program for the cost of fur-*  
 9           *nishing such care.*

10 **“§ 1763. Care for terminally ill veterans**

11           “(a) *During the period referred to in section*  
 12 *1762(a)(1) of this title, the Secretary shall designate not*  
 13 *less than 10 medical facilities of the Department at which*  
 14 *hospital care is being furnished to terminally ill veterans*  
 15 *in order to furnish the care referred to in subsection (b)(1).*

16           “(b)(1) *Palliative care to terminally ill veterans shall*  
 17 *be furnished at the facilities referred to in subsection (a)*  
 18 *by one of the following means designated by the Secretary:*

19           “(A) *By personnel of the Department providing*  
 20 *one or more hospice care services to such veterans at*  
 21 *or through medical facilities of the Department.*

22           “(B) *By personnel of the Department monitoring*  
 23 *the furnishing of one or more of such services to such*  
 24 *veterans at or through non-Department facilities.*

1       “(2) *The Secretary shall furnish care by the means re-*  
 2 *ferred to in each of subparagraphs (A) and (B) of para-*  
 3 *graph (1) at not less than five medical facilities designated*  
 4 *under subsection (a).*

5       **“§ 1764. Information relating to hospice care services**

6       *“The Secretary shall ensure to the extent practicable*  
 7 *that terminally ill veterans who have been informed of their*  
 8 *medical prognosis receive information relating to the eligi-*  
 9 *bility, if any, of such veterans for hospice care and services*  
 10 *under title XVIII of the Social Security Act (42 U.S.C.*  
 11 *1395 et seq.).*

12       **“§ 1765. Evaluation and reports**

13       *“(a) Not later than September 30, 1997, and on an*  
 14 *annual basis thereafter until October 1, 2002, the Secretary*  
 15 *shall submit a written report to the Committees on Vet-*  
 16 *erans’ Affairs of the Senate and House of Representatives*  
 17 *relating to the conduct of the pilot program under section*  
 18 *1762 of this title and the furnishing of hospice care services*  
 19 *under section 1763 of this title. Each report shall include*  
 20 *the following information:*

21               *“(1) The location of the sites of the demonstra-*  
 22 *tion projects provided for under the pilot program.*

23               *“(2) The location of the medical facilities of the*  
 24 *Department at or through which hospice care services*  
 25 *are being furnished under section 1763 of this title.*

1           “(3) *The means by which care to terminally ill*  
 2           *veterans is being furnished under each such project*  
 3           *and at or through each such facility.*

4           “(4) *The number of veterans being furnished*  
 5           *such care under each such project and at or through*  
 6           *each such facility.*

7           “(5) *An assessment by the Secretary of any dif-*  
 8           *ficulties in furnishing such care and the actions taken*  
 9           *to resolve such difficulties.*

10          “(b) *Not later than August 1, 2000, the Secretary shall*  
 11          *submit to the committees referred to in subsection (a) a re-*  
 12          *port containing an evaluation and assessment by the Under*  
 13          *Secretary for Health of the hospice care pilot program*  
 14          *under section 1762 of this title and the furnishing of hospice*  
 15          *care services under section 1763 of this title. The report*  
 16          *shall contain such information (and shall be presented in*  
 17          *such form) as will enable the committees to evaluate fully*  
 18          *the desirability of furnishing hospice care services to termi-*  
 19          *nally ill veterans.*

20          “(c) *The report under subsection (b) shall include the*  
 21          *following:*

22               “(1) *A description and summary of the pilot*  
 23               *program.*

24               “(2) *With respect to each demonstration project*  
 25               *conducted under the pilot program—*

1           “(A) a description and summary of the  
2           project;

3           “(B) a description of the facility conducting  
4           the demonstration project and a discussion of  
5           how such facility was selected in accordance with  
6           the criteria set out in, or prescribed by the Sec-  
7           retary pursuant to, subparagraphs (A) through  
8           (D) of section 1762(b)(3) of this title;

9           “(C) the means by which hospice care serv-  
10          ices care are being furnished to terminally ill  
11          veterans under the demonstration project;

12          “(D) the personnel used to furnish such  
13          services under the demonstration project;

14          “(E) a detailed factual analysis with re-  
15          spect to the furnishing of such services, including  
16          (i) the number of veterans being furnished such  
17          services, (ii) the number, if any, of inpatient ad-  
18          missions for each veteran being furnished such  
19          services and the length of stay for each such ad-  
20          mission, (iii) the number, if any, of outpatient  
21          visits for each such veteran, and (iv) the number,  
22          if any, of home-care visits provided to each such  
23          veteran;

24          “(F) the direct costs, if any, incurred by  
25          terminally ill veterans, the members of the fami-

1        *lies of such veterans, and other individuals in*  
2        *close relationships with such veterans in connec-*  
3        *tion with the participation of veterans in the*  
4        *demonstration project;*

5                *“(G) the costs incurred by the Department*  
6        *in conducting the demonstration project, includ-*  
7        *ing an analysis of the costs, if any, of the dem-*  
8        *onstration project that are attributable to (i) fur-*  
9        *nishing such services in facilities of the Depart-*  
10       *ment, (ii) furnishing such services in non-De-*  
11       *partment facilities, and (iii) administering the*  
12       *furnishing of such services; and*

13               *“(H) the unreimbursed costs, if any, in-*  
14       *curring by any other entity in furnishing services*  
15       *to terminally ill veterans under the project pur-*  
16       *suant to section 1762(c)(1)(C) of this title.*

17               *“(3) An analysis of the level of the following per-*  
18       *sons’ satisfaction with the services furnished to termi-*  
19       *nally ill veterans under each demonstration project:*

20               *“(A) Terminally ill veterans who receive*  
21       *such services, members of the families of such vet-*  
22       *erans, and other individuals in close relation-*  
23       *ships with such veterans.*

1           “(B) Personnel of the Department respon-  
2           sible for furnishing such services under the  
3           project.

4           “(C) Personnel of non-Department facilities  
5           responsible for furnishing such services under the  
6           project.

7           “(4) A description and summary of the means of  
8           furnishing hospice care services at or through each  
9           medical facility of the Department designated under  
10          section 1763(a) of this title.

11          “(5) With respect to each such means, the infor-  
12          mation referred to in paragraphs (2) and (3).

13          “(6) A comparative analysis by the Under Sec-  
14          retary for Health of the services furnished to termi-  
15          nally ill veterans under the various demonstration  
16          projects referred to in section 1762 of this title and  
17          at or through the designated facilities referred to in  
18          section 1763 of this title, with an emphasis in such  
19          analysis on a comparison relating to—

20               “(A) the management of pain and health  
21               symptoms of terminally ill veterans by such  
22               projects and facilities;

23               “(B) the number of inpatient admissions of  
24               such veterans and the length of inpatient stays

1           *for such admissions under such projects and fa-*  
 2           *cilities;*

3           “(C) *the number and type of medical proce-*  
 4           *dures employed with respect to such veterans by*  
 5           *such projects and facilities; and*

6           “(D) *the effectiveness of such projects and*  
 7           *facilities in providing care to such veterans at*  
 8           *the homes of such veterans or in nursing homes.*

9           “(7) *An assessment by the Under Secretary for*  
 10          *Health of the desirability of furnishing hospice care*  
 11          *services by various means to terminally ill veterans,*  
 12          *including an assessment by the Director of the opti-*  
 13          *mal means of furnishing such services to such vet-*  
 14          *erans.*

15          “(8) *Any recommendations for additional legis-*  
 16          *lation regarding the furnishing of care to terminally*  
 17          *ill veterans that the Secretary considers appro-*  
 18          *priate.”.*

19          **(b) CLERICAL AMENDMENT.**—*The table of sections at*  
 20          *the beginning of such chapter is amended by adding at the*  
 21          *end the following:*

“SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

“1761. *Definitions.*

“1762. *Hospice care: pilot program requirements.*

“1763. *Care for terminally ill veterans.*

“1764. *Information relating to hospice care services.*

“1765. *Evaluation and reports.”.*



1       (c) *AUTHORITY TO CARRY OUT OTHER HOSPICE*  
 2 *CARE PROGRAMS.*—*The amendments made by subsection*  
 3 *(a) may not be construed as terminating the authority of*  
 4 *the Secretary of Veterans Affairs to provide hospice care*  
 5 *services to terminally ill veterans under any program in*  
 6 *addition to the programs required under the provisions*  
 7 *added by such amendments.*

8       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*  
 9 *authorized to be appropriated for the Department of Vet-*  
 10 *erans Affairs for the purposes of carrying out the evaluation*  
 11 *of the hospice care pilot programs under section 1765 of*  
 12 *title 38, United States Code (as added by subsection (a)),*  
 13 *as follows:*

14               (1) *For fiscal year 1997, \$1,200,000.*

15               (2) *For fiscal year 1998, \$2,500,000.*

16               (3) *For fiscal year 1999, \$2,200,000.*

17               (4) *For fiscal year 2000, \$100,000.*

## 18               **TITLE V—MAMMOGRAPHY** 19               **STANDARDS**

### 20       **SEC. 501. SHORT TITLE.**

21               *This title may be cited as the ‘Women Veterans’ Mam-*  
 22 *mography Quality Standards Act’.*

### 23       **SEC. 502. MAMMOGRAPHY QUALITY STANDARDS.**

24               (a) *PERFORMANCE OF MAMMOGRAMS.*—*Mammograms*  
 25 *may not be performed at a Department of Veterans Affairs*

1 *facility unless that facility is accredited for that purpose*  
 2 *by a private nonprofit organization designated by the Sec-*  
 3 *retary of Veterans Affairs. The organization designated by*  
 4 *the Secretary under this subsection shall meet the standards*  
 5 *for accrediting bodies established by the Secretary of Health*  
 6 *and Human Services under section 354(e) of the Public*  
 7 *Health Service Act (42 U.S.C. 263b(e)).*

8       (b) *QUALITY STANDARDS.—(1) Not later than 120*  
 9 *days after the date of the enactment of this Act, the Sec-*  
 10 *retary of Veterans Affairs shall prescribe quality assurance*  
 11 *and quality control standards relating to the performance*  
 12 *and interpretation of mammograms and use of mammo-*  
 13 *gram equipment and facilities by personnel of the Depart-*  
 14 *ment of Veterans Affairs. Such standards shall be no less*  
 15 *stringent than the standards prescribed by the Secretary of*  
 16 *Health and Human Services under section 354(f) of the*  
 17 *Public Health Service Act.*

18       (2) *The Secretary of Veterans Affairs shall prescribe*  
 19 *standards under this subsection in consultation with the*  
 20 *Secretary of Health and Human Services.*

21       (c) *INSPECTION OF DEPARTMENT EQUIPMENT.—(1)*  
 22 *The Secretary of Veterans Affairs shall, on an annual basis,*  
 23 *inspect the equipment and facilities utilized by and in De-*  
 24 *partment of Veterans Affairs health-care facilities for the*  
 25 *performance of mammograms in order to ensure the compli-*

1 *ance of such equipment and facilities with the standards*  
2 *prescribed under subsection (b). Such inspection shall be*  
3 *carried out in a manner consistent with the inspection of*  
4 *certified facilities by the Secretary of Health and Human*  
5 *Services under section 354(g) of the Public Health Service*  
6 *Act.*

7       *(2) The Secretary of Veterans Affairs may not delegate*  
8 *the responsibility of such Secretary under paragraph (1)*  
9 *to a State agency.*

10       *(d) APPLICATION OF STANDARDS TO CONTRACT PRO-*  
11 *VIDERS.—The Secretary of Veterans Affairs shall ensure*  
12 *that mammograms performed for the Department of Vet-*  
13 *erans Affairs under contract with any non-Department fa-*  
14 *cility or provider conform to the quality standards pre-*  
15 *scribed by the Secretary of Health and Human Services*  
16 *under section 354 of the Public Health Service Act.*

17       *(e) REPORT.—(1) The Secretary of Veterans Affairs*  
18 *shall submit to the Committees on Veterans' Affairs of the*  
19 *Senate and House of Representatives a report on the quality*  
20 *standards prescribed by the Secretary under subsection*  
21 *(b)(1).*

22       *(2) The Secretary shall submit the report not later*  
23 *than 180 days after the date on which the Secretary pre-*  
24 *scribes such regulations.*

1       (f) *DEFINITION.—In this section, the term “mammo-*  
2 *gram” shall have the meaning given such term in section*  
3 *354(a)(5) of the Public Health Service Act (42 U.S.C.*  
4 *263b(a)).*

Amend the title so as to read: “A Bill to amend title 38, United States Code, to improve the provision of health care services to veterans by the Department of Veterans Affairs, and for other purposes.”.